



# UNITED NATIONS GENERAL ASSEMBLY



Distr.  
GENERAL

A/35/729  
11 December 1980

ORIGINAL: ENGLISH

Thirty-fifth session  
Agenda item 103

## CONSIDERATION OF THE DRAFT ARTICLES ON MOST-FAVOUR- ED-NATION CLAUSES

### Report of the Sixth Committee

Rapporteur: Mr. Wolfgang HAMPE (German Democratic Republic)

#### I. INTRODUCTION

1. The item "Consideration of the draft articles on most-favoured-nation clauses: report of the Secretary-General" was included in the provisional agenda of the thirty-fifth session of the General Assembly pursuant to section II, paragraph 4, of General Assembly resolution 33/139 of 19 December 1978.
2. On the recommendation of the General Committee, the General Assembly decided, at its 3rd plenary meeting, on 19 September 1980, to include the item in the agenda of its thirty-fifth session and to allocate it to the Sixth Committee.
3. In connexion with the item, the Committee had before it the draft articles on most-favoured-nation clauses adopted by the International Law Commission at its thirtieth session in 1978. <sup>1/</sup> The Committee also had before it a report of the Secretary-General (A/35/203 and Add.1-3) containing the comments and observations submitted by Governments and intergovernmental organizations pursuant to section II, paragraph 2, of General Assembly resolution 33/139 of 19 December 1978 as well as an analytical compilation of those comments and observations (A/35/443).
4. The Committee considered this item at its 62nd, 64th to 68th, 73rd and 75th meetings, on 25, 26 and 28 November, and on 1, 4 and 5 December. The summary records of those meetings (see A/C.6/35/SR.62, 64-68, 73 and 75) reflect the views expressed by the representatives who participated in the debate on the item.

---

<sup>1/</sup> Official Records of the General Assembly, Thirty-third Session, Supplement No. 10 (A/33/10), chap. II.

## II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/35/L.23

5. At the 73rd meeting, on 4 December, the representative of Hungary introduced a draft resolution (A/C.6/35/L.23) sponsored by Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia and the Union of Soviet Socialist Republics, subsequently joined by India and Romania.

6. At its 75th meeting, on 5 December, the Committee adopted draft resolution A/C.6/35/L.23 by consensus (see para. 8).

7. The representative of the United States of America and the representative of Belgium (on behalf of the States members of the European Community) made statements in explanation of their positions on the Committee's decision.

## III. RECOMMENDATION OF THE SIXTH COMMITTEE

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

### Consideration of the draft articles on most-favoured-nation clauses

#### The General Assembly,

Recalling its resolution 33/139 of 19 December 1978 relating to the report of the International Law Commission on the work of its thirtieth session, and in particular section II of the resolution,

Having considered the item entitled "Consideration of the draft articles on most-favoured-nation clauses", including the report of the Secretary-General submitted pursuant to General Assembly resolution 33/139, 2/

Bearing in mind the importance of facilitating international trade and development of economic co-operation among all States on the basis of equality, mutual advantage and non-discrimination in the establishment of the new international economic order,

Aware of the fact that more replies from States and interested intergovernmental agencies are needed,

1. Takes note of the report of the Secretary-General:

2. Requests the Secretary-General to reiterate his invitation to Member States, organs of the United Nations which have competence in the subject-matter and interested intergovernmental organizations to submit, or bring up to date not later than 30 June 1981, their written comments and observations on chapter II of

the report of the International Law Commission on the work of its thirtieth session, 3/ and, in particular, on:

(a) The draft articles on most-favoured-nation clauses adopted by the International Law Commission;

(b) Those provisions relating to such clauses on which the International Law Commission was unable to take decisions;

and also requests States to comment on the recommendation of the International Law Commission that those draft articles should be recommended to Member States with a view to the conclusion of a convention on the subject;

3. Requests the Secretary-General to circulate, before the thirty-sixth session of the General Assembly, the comments and observations submitted in accordance with paragraph 2 above;

4. Further requests the Secretary-General to bring up to date, in view of the comments and observations mentioned in paragraph 2 above, the analytical compilation of comments and observations from Governments, organs of the United Nations which have competence in the subject-matter and interested intergovernmental organizations;

5. Decides to include in the provisional agenda of its thirty-sixth session the item entitled "Consideration of the draft articles on most-favoured-nation clauses" and to consider it at an early stage.

-----